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PATENT

DOCKET NO.: MSFT-0208/150665.1

Application No.: 09/676,365

Office Action Dated: APRIL 9, 2003



REMARKS/ARGUMENTS

Claims 1-49 remain in the application. Claims 1-49 stand rejected.

*Claim Rejections - 35 USC § 102*

Claims 1-3, 5-9, 13-23, 25-28, 32-39, and 41-49 are rejected under 35 U.S.C. 102(e) as being anticipated by Call (U.S. Patent No. 6,418,441). Applicants respectfully disagree and request reconsideration in view of the below remarks.

The examiner maintains that Call discloses a method comprising:

hosting, on a server (citing column 27, lines 55-67), a database of specification data of products of *a plurality of different manufacturers* (citing column 27, lines 36-51), the product specification data in the database being arranged in predefined product classes (citing column 25, lines 37-60);

defining, for each product class, a schema for the entry of specification data of products in that product class (citing column 25, lines 37-60);

providing *an interface for use by product manufacturers for entry of new product specification data into the database* and for modifying existing product specification data in the database (citing column 27, lines 1-13, also see column 12, lines 57-67, and column 13, lines 1-3), the interface *requiring each manufacturer to use a same schema when entering or modifying product specification data in a particular product class* (citing column 25, lines 1-36, wherein "same" reads on "universal"); and

(d) in exchange for remuneration from a given manufacturer, *providing that manufacturer with access to the interface and to its respective product specification data* in the database for use outside of the database (citing column 31, lines 49-60, wherein "external" reads on "Internet", also citing column 26, lines 36-67, wherein "remuneration" reads on "credit card number", and wherein "interface" reads on "web browser").

(Action at 2-3) Emphasis added.

A rejection based on 35 U.S.C. 102(e) can be overcome by persuasively arguing that the claims are distinguishable from the prior art. MPEP § 706.02(b). The claims of the

present invention are distinguishable from Call because they include elements not disclosed by Call.

To anticipate a claim, a reference must teach every claimed element. MPEP § 2131. Furthermore, the examiner bears the burden of proof to show claim anticipation. See *In re Caveney*, 761 F.2d 671, 674 (Fed. Cir. 1985). Such proof must amount to a preponderance of the evidence to warrant rejection of claims. *Id.*

Applicants respectfully submit that Call does not teach or suggest “a database of specification data of products of *a plurality of different manufacturers*” nor does it teach or suggest an “*interface requiring each manufacturer to use a same schema when entering or modifying product specification data in a particular product class.*”

In fact, Call teaches:

Information which manufactures now distribute in other ways can be made immediately available to those who need or desire that information. Examples include text and graphics which describe and promote the sale of each product to potential buyers; product labeling information, some of which may be required to be made available to potential buyers such as product weights and volumes, ingredients, nutritional facts, dosage and use instructions, some or all of which is now included on product packaging and which can be reproduced as mixed text and graphics HTML page for viewing by distributors, retailers, advertisers, catalog publishers, potential customers and purchasers; logos, photographs of products, and other graphics files in a variety of resolutions for use by both electronic and print rendering to promote product sales, usage and support. ... The scope and content of the information each manufacturer makes available is *completely under the control of that manufacturer*. In order to make this information *accessible* in a standard way, it is desirable that the manufacturer *conform to standard resource naming conventions so that interested parties which obtain the manufacturer's registered IP address from the product code translator can find the desired information at this address.*

(Call at 10:1-32. Emphasis added.)

Hence, Call does not teach a database of specification data of products of a plurality of different manufacturers. On the contrary, Call teaches that the information remain under the control of the manufacturers, not in a database. Moreover, Call does not require that the information conform to a standard schema. Rather, Call suggests that they conform to a common naming standard. The naming standard is NOT governed by a schema but is merely a convention that is "desirable." Call at 10:27.

At least for the above reasons, Applicants submit that Call does not teach or suggest all of the elements of independent claim 1. Similarly, Applicants submit that Call does not teach or suggest all of the elements of independent claims 16 and 32. Inasmuch as claims 2-3, 5-9, 13-15, 17-23, 25-28, 33-39, and 41-49 depend from claims 1, 16, and 32, Applicants submit that they also patentably define over Call.

*Claim Rejections - 35 USC §103*

Claims 4, 10-12, 24, 29-31, and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Call (U.S. Patent No. 6,418,441) in view of Walker et al. (U.S. Patent No. 6,405,174).

Inasmuch as claims 4, 10-12, 24, 29-31, and 40 depend from claims 1, 16, and 32, Applicants submit that they also define over the art of record at least for the reasons set forth above with in response to the rejection of the independent claims.


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**CONCLUSION**

A Notice of Allowance for claims 1-49 is respectfully solicited.

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